

IFW

PATENT

Attorney Docket No. P2083US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Peter Onody

Art Unit: 2816

Application No. 10/817,499

Examiner: Le, Dinh Thanh

Filed: 04/02/2004

For: TUNABLE SALLEN-KEY FILTER STAGE AND FILTER ASSEMBLY

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action dated May 20, 2005, please consider the following remarks.

REMARKS

*Summary of the Office Action*

The Office sets forth a restriction requirement as follows:

<u>Group</u>	<u>Claims</u>	<u>Invention</u>	<u>Class</u>	<u>Subclass</u>
I	21-49	Tuning circuit	327	553
II	1-20	Frequency filter circuit	327	552

*Election*

Applicant provisionally elects, with traverse, Group I (claims 21-49) for examination with no prejudice to prosecution of the remaining claims in divisional applications

Discussion of Restriction Requirement

Applicants respectfully traverse the restriction on the basis that there is no showing of a serious burden upon the Examiner to search and examine the entire application. There are two criteria for a proper requirement for restriction between patentably distinct inventions: (i) the inventions must be independent or distinct as claimed, and (ii) there must be a serious

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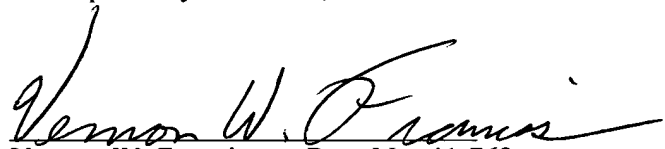
burden on the Examiner if restriction is not required. M.P.E.P. § 803. Consequently, as set forth in M.P.E.P. § 803: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." In this case, the Office has failed to make a showing that there would be a serious burden on the Examiner if the election of inventions were not required and the restriction is therefore improper. Applicant respectfully submits that, per MPEP § 803, the entire application should be searched and examined.

Accordingly, Applicants respectfully request the withdrawal of the requirements and examination of all the pending claims.

*Conclusion*

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



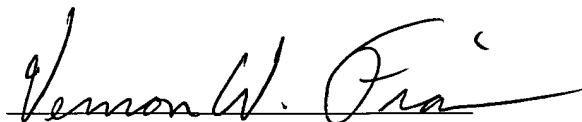
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Date: June 17, 2005

CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO RESTRICTION REQUIREMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date: June 17, 2005



Vernon W. Francissen